

**UNITED STATES DISTRICT COURT  
FOR THE  
WESTERN DISTRICT OF MISSOURI**

TAMMY HICKMAN	)	
	)	
Plaintiff,	)	Case No.:
	)	Division:
vs.	)	
	)	
HY-VEE, INC. d/b/a TARKIO HY-VEE,	)	
Registered Agent:	)	
CT CORPORATION SYSTEM	)	
120 South Central Avenue	)	
Clayton, MO 63105	)	
	)	
Defendant.	)	

**COMPLAINT**

**COMES NOW** Plaintiff, Tammy Hickman (hereinafter “Plaintiff”), by and through her attorneys, of the Montee Law Firm, P.C., and for claims against Defendant, Hy-Vee, Inc. d/b/a Tarkio Hy-Vee, Inc. (hereinafter “Defendant”) states and alleges as follows:

1. This cause of action arose and occurred in Tarkio, Atchison County, Missouri.
2. Plaintiff is an individual residing in St. Joseph, Buchanan County, Missouri.
3. Defendant is a Foreign Corporation with its headquarters located in Iowa.
4. Defendant is a Foreign Corporation and is in good standing, operating and existing under the laws of the State of Missouri, and their registered agent can be served as stated in the caption above.
5. All events giving rise to this cause of action occurred at the Tarkio Hy-Vee located at 110 Chestnut Street, Tarkio, Atchison County, Missouri (hereinafter the “Tarkio Hy-Vee”).
6. Venue and jurisdiction, therefore, are properly before this Court.
7. On July 8, 2020, Plaintiff was shopping and walking inside the Tarkio Hy-Vee.

8. On said date, Plaintiff slipped on water, which was on the floor inside the Tarkio Hy-Vee, causing her to fall to the ground.
9. The fall to the ground and impact injured Plaintiff's back, right leg, genitalia, and abdomen.
10. At said time and place, and at all other times relevant to this Petition for Damages, Defendant owned or otherwise controlled the Hy-Vee grocery store located at 110 Chestnut Street, Tarkio, Missouri.
11. Upon information and belief, at said time and place, and at all other times relevant to this Petition for Damages, Defendant was responsible for maintaining the premises located at 110 Chestnut Street, Tarkio, Missouri.
12. On or about July 8, 2020, and at all other times relevant to this Petition for Damages, Defendant, through the acts of their respective agents and/or employees, failed to exercise the reasonable degree of care that someone in the same or similar situation would have used in one or more of the following ways:
  - a. Defendant allowed an unsafe condition to be present on the premises located at 110 Chestnut Street, Tarkio, Missouri, despite knowing that shoppers such as Plaintiff would be walking inside the premises;
  - b. Defendant failed to use ordinary care to adequately remove spilled water from the premises located at 110 Chestnut Street, Tarkio, Missouri, causing a foreseeable risk of harm to Plaintiff and others similarly situated;
  - c. Defendant failed to warn Plaintiff of the danger presented by the presence of the water spill on the floor through proper signage or by otherwise blocking off the area where the water was present;

- d. Defendant failed to otherwise exercise due care with respect to the matters alleged in this complaint.
13. Defendant had a duty to ensure that unsafe conditions, such as the water at-issue in this lawsuit, did not present a foreseeable risk of harm to Plaintiff and other invitees.
14. As a direct and proximate result of the negligent acts of Defendant, as fully described above, Plaintiff suffered the following permanent, progressive, and disabling injuries: a L3-S1 disc protrusion with interval worsening of L5-S1 and impingement of the right S1 nerve root which required surgical intervention, lumbar radiculopathy, incontinence and hematuria; Plaintiff has suffered and will in the future suffer great pain and anguish; Plaintiff has incurred, and will in the future incur substantial expense for medical attention; Plaintiff has lost wages and her future earning potential has been diminished; all to her damage in an amount **IN EXCESS OF SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00).**

**WHEREFORE** Plaintiff Tammy Hickman, prays for judgment against Defendant Hy-Vee, Inc. d/b/a Tarkio Hy-Vee, in an amount in excess of **SEVENTY-FIVE THOUSAND AND 00/100 DOLLARS (\$75,000.00)**, for her costs and expenses incurred and for such other relief as the Honorable Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Pursuant to Federal Rules of Civil Procedure 38(b), Plaintiff requests a trial by jury of all issues triable as of right.

Respectfully submitted,  
MONTEE LAW FIRM, P.C.

/s/ *James Montee*

James Montee, MO #33489  
Amanda Blackwood, MO#65054  
P.O. Box 127  
St. Joseph, MO 64502  
(816) 364-1650  
(816) 364-1509 Fax  
[monteelaw@outlook.com](mailto:monteelaw@outlook.com)  
[ablackwood@monteelawfirm.com](mailto:ablackwood@monteelawfirm.com)  
ATTORNEYS FOR PLAINTIFF